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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

PEOPLE OF THE STATE OF CALIFORNIA, *ex*)
rel. EDMUND G. BROWN JR., ATTORNEY)
 GENERAL OF THE STATE OF CALIFORNIA,)
 Plaintiff,)
 v.)
 ENVIRONMENTAL PROTECTION AGENCY,)
 Defendant.)

CV 08-00735 SC

**STIPULATED REQUEST FOR
 ORDER CHANGING TIME TO
 PRODUCE VAUGHN INDEX**

Pursuant to Civil L.R. 6-2, defendant U.S. Environmental Protection Agency (“EPA” or “Agency”), through undersigned counsel, hereby moves for an extension of 15 days, from August 21, 2008, to September 5, 2008, to file Defendant’s Vaughn Index. Defendant’s request is made for good cause as set forth below:

Defendant EPA represents as follows:

1. The Information Law Practice Group (“ILPG”) of the EPA is responsible for managing the Agency’s Freedom of Information Act (“FOIA”) litigation and for providing legal counseling to Agency clients on a wide variety of information law issues. The ILPG is comprised of an Agency

1 Assistant General Counsel, seven staff attorneys, and two para-professionals (a paralegal and a FOIA
2 specialist).

3 2. To date, defendant EPA has provided to plaintiff, in response to its FOIA request, over 14,000
4 pages of documents on a rolling basis and in six separate productions.

5 3. Additionally, on May 30, 2008, EPA provided Plaintiff a 349-page list of 2,198 documents.
6 The list contained, when available, the document's date and time of creation, author and recipient(s),
7 subject line, and number of attachments, with the exception of approximately 250 records for which
8 the Agency was consulting with other federal agencies and White House officials about the
9 processing of such records.

10 4. On July 3, 2008, the Agency provided Plaintiff with a sample Vaughn index consisting of 237
11 pages, which described the basis for withholding the sample of 202 documents. The sample Vaughn
12 index described the detailed basis for withholding approximately every tenth document.

13 5. In preparing the sample Vaughn index, the lead EPA staff attorney on this case estimated that
14 she spent approximately 120 hours researching, writing, and quality- checking the entries. Four other
15 EPA staff attorneys were also assigned to assist with the drafting of the sample Vaughn index. In
16 total, these four staff attorneys estimated that they spent approximately 100 hours on the creation of
17 the sample Vaughn index.

18 6. In order to prepare a complete Vaughn index, the Agency estimates that it will need to create
19 full Vaughn index entries for roughly 1,500 of 2,198 documents and that so doing will likely result in
20 a Vaughn index of approximately 1,600 to 2,000 pages.

21 7. Currently, ILPG attorneys are working on eight other pending Agency FOIA cases in
22 litigation: Miccosukee Tribe of Indians of Florida v. U.S. EPA, No. 05-21023 (S.D. Fla.); Griffin
23 Industries, Inc. v. U.S. EPA, No. 05-74 (E.D. Ky.); Natural Resources Defense Council v. FEMA,
24 U.S.EPA, et al., No. 06-6213 (S.D.N.Y.); Natural Resources Defense Council v. U.S. EPA, No. 08-
25 1082 (S.D.N.Y.); ASARCO, Inc. v. U.S. EPA, No. 08-01332 (D.D.C.); Natural Resources Defense
26 Council v. U.S. EPA, No. 08-2443 (S.D.N.Y.); Natural Resources Defense Council v. U.S. EPA, No.
27 08-6234 (S.D.N.Y.); Our Children's Earth Foundation v. U.S. EPA, No. 08-1461 (N.D. Cal.). Many
28

1 of these ongoing cases involve time-consuming, labor-intensive collection, review, redacting,
2 indexing, and production of voluminous documents.

3 8. Additionally, in the next two weeks, two of the seven ILPG staff attorneys will be on
4 previously-scheduled and approved annual leave. The remaining five staff attorneys will not only
5 need to dedicate a majority of their workday to creating the Vaughn index, but will also have to
6 handle the workload of the two staff attorneys who are on vacation. To date, seven attorneys and one
7 paralegal are assisting with the development of the Vaughn index.

8 9. Accordingly, the requested 15-day time extension is necessary to permit the Agency to
9 comply with the Court's order to produce a complete Vaughn index.

10 10. Defendant is not aware of any harm that will result from the requested extension as the
11 Vaughn index as the delay is as brief as possible and will not affect the currently scheduled Case
12 Management Conference.

13 11. This motion is supported by the Declaration of Robert A. Freidrich, filed herewith.

14 IV. CONCLUSION

15 For all the reasons set forth above and in the declaration of Robert A. Friedrich, defendant
16 respectfully requests that its motion for an order changing, to Friday September 5, 2008, the time by
17 which defendant's Vaughn index is due. No other dates in the current schedule need be changed or
18 modified as a result of this order. Pursuant to the above representations by EPA, Plaintiff has
19 stipulated to the request.

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21
22 Dated: August 19, 2008

23 Respectfully submitted,

24 GREGORY G. KATSAS
25 Assistant Attorney General

26
27 /s/
28 ELIZABETH J. SHAPIRO
ISAAC R. CAMPBELL

/s/
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 21, 2008

